



August 1, 2016 / September 7, 2016  
Item # 4 / Item # 5

DEPARTMENT OF COMMUNITY SERVICES  
PLANNING DIVISION  
TOWN OF WEST HARTFORD  
50 SOUTH MAIN STREET  
WEST HARTFORD, CT 06107-2431  
TEL: (860) 561-7555 FAX: (860) 561-7504  
[www.westhartford.org](http://www.westhartford.org)

**PERMIT APPLICATION FOR INLAND WETLANDS & WATERCOURSES**  
**ACTIVITY: (check one of the following)**

MAP AMENDMENT ☒ REGULATED ACTIVITY  
File # IWW 1048 Application Fee \$170 Surcharge Fee \$60 Date Received 7.15.16  
Street Address of Proposed Application: 153 HUNTER DRIVE  
Zone: R-20 Acreage/Lot Area .46 Parcel/Lot# 2841 / 153 0001  
Applicant's Interest in Property: OWNER

Brief Description of Proposed Activity: REPLACE OLD STONE WALL, CAVING IN.

The undersigned warrants the truth of all statements contained herein and in all supporting documents to the best of his/her knowledge and belief. Furthermore, the applicant agrees that submission of this document constitutes permission and consent to Commission and Staff inspections of the site. *Note: Notice is hereby given the Connecticut Department of Public Health must be notified by applicants for any project located within a public water supply aquifer protection area or watershed area. (CTDPH website at <http://www.dph.state.ct.us>)*

NORMAN ABARE  
Record Owner's Name  
153 HUNTER DR  
Street  
W. HARTFORD CT 06107  
City State Zip  
(617) 416-6509  
Telephone #

**Contact Person:**

NORMAN ABARE  
Name  
153 HUNTER DR  
Street  
W. HARTFORD CT 06107  
City State Zip  
(617) 416-6509  
Telephone #

Same  
Applicant's Name  
\_\_\_\_\_  
Street  
\_\_\_\_\_  
City State Zip  
\_\_\_\_\_  
Telephone #

Norman W. Abare Jr  
Applicant's Signature  
Norman W. Abare Jr  
Signature of Owner/Authorized Agent

NORM. ABARE @GMAIL.COM  
E-Mail

## Narrative Proposed Wall at 153 Hunter Drive

I bought my home at 153 Hunter Drive in Spring 2012 and have lived here since. It is a corner lot; Westborough Drive makes up the intersection with Hunter.

The home was built in 1957 and had very little done other than basic maintenance from that time to 2012.

Since buying, I have been working to catch up on repairs and improvements.

I had a large number of white pines on the property. Most of them were leaning severely, and last winter one had a one fall on my home in the middle of the night. It was frightening for my wife and I resolved to address the threat they posed when the weather permitted.

I had many trees removed, and (as expected) this brought more daylight and visual prominence to a small decorative retaining wall on the side of my property that is on Westborough.

The wall is in severe disrepair due to time and small burrowing animal infestation. (Please see the accompanying photos showing wall falling down, soil erosion)

The wall appears to have had no attention since its original construction. It needs to be completely rebuilt from scratch.

Since the wall needs to be repaired anyway, my wife and I have decided we would like to change the dimensions. The elevated level of that section of the lawn is presently of somewhat impractical dimensions:

- The portion along Westborough is at street elevation and is not wide enough to make much practical use of for sports, games, or social entertaining.
- The portion above the wall (along side of the house) is ALSO not wide enough to do anything meaningful.

We have determined that to make reasonable use of this section of our property, we'd prefer to make the elevated area a bit larger, by re-building the wall a little closer to Westborough Drive.

So, since the wall is in such disrepair that it needs to be rebuilt, why not rebuild it a few feet from it's original location, and make the whole property more usable?

We believe it will offer greater utility for ourselves, and make the area more attractive for neighbors and passersby.

Our intent is to build the new wall 17ft back from the pavement of Westborough, which is 10ft closer than it is today.



## Narrative Proposed Wall at 153 Hunter Drive

Like the wall it replaces, we propose a wall 2ft tall. We will plant arborvitaes along the top, in a mulch bed. On the street side, all that will be visible is arborvitaes. Inside (the side of my residence) I will install a welded wire fence.

The area is currently quite disturbed by wear and tear of years of neglect and animal infestation, along with the previous work performed. A silt fence is installed to contain the erosion in the disturbed area, but that is a temporary fix at best.

By approving this project, we can move forward, clean the area up once and for all. We will make the area more attractive, and bring an end to the erosion that is currently taking place.

It is our opinion:

- The environment will benefit from stopping the erosion.
- The neighborhood will benefit from an attractive area along Westborough Drive to walk along the nice wall and shrubs.
- The work can be done in 2-3 weeks with no impact on the Wetlands or Watercourse.

We would very much appreciate the opportunity to discuss our plans with the relevant authorities, in hopes that we can coordinate a mutually agreeable path forward with our project.

Thank You,

A handwritten signature in blue ink, appearing to read 'Jenna' or 'Jenna W. Abarca'.

(NORMAN + Jenna Abarca)

## Steps to be performed at 153 Hunter Dr for the proposed Regulated Activity

1. Confirm that all pertinent safety, environmental and building regulations/codes are understood by all participants in the project, and they are licensed, bonded and insured
2. Confirm that all terms and conditions and scope of all permits/authorizations are understood by all participants in the project
3. Install requisite equipment/signage to ensure safety and environmental protection
  - 3.1. Silt fence along watercourse (creek)
  - 3.2. Markers to show distance from watercourse.
  - 3.3. Markers to show Agency defined "no work" perimeter setback
  - 3.4. Disposal containers for any refuse
4. Invite stakeholders to site for review
  - 4.1. Any shortcomings or unanticipated issues can be resolved at this time before earth is disturbed
5. Footing for new wall
  - 5.1. Dig
  - 5.2. Crushed stone base/drainage
  - 5.3. Set forms
  - 5.4. Pour footing
6. Install drainage for new wall
7. Construct block wall
  - 7.1. Provide seepage holes for drainage
8. Backfill some
9. Apply stone veneer
  - 9.1. See attached photos for material appearance
10. Apply bluestone cap
  - 10.1. See attached photos for material appearance
11. Backfill more
12. Rake, seed
13. Place shrubs and mulch
  - 13.1. The shrubs will be emerald green arborvitae
    - 13.1.1. Planted at on the upper terrace level of lawn, set back 1ft, spaced 30in between shrubs.
    - 13.1.2. This line of arborvitae will start at the building line facing Hunter Dr, and run to the end of the property along Westborough Dr
14. Install welded wire fence just inside the shrubs (see attached photos)
15. Cleanup, remove silt fence and other equipment
16. Invite stakeholders to site for review
  - 16.1. Any leftover trace of impact can be remediated at this time
17. Total elapsed time estimated 2-3 weeks

In answer to the questions referred to in Section 10.2 a b c d & g

10. CONSIDERATIONS FOR DECISION

2. ...the Agency shall take into consideration all relevant facts and circumstances, including but not limited to:
  - a. The environmental impact of the proposed Regulated Activity (i.e. repair/reconstruction of wall at 153 Hunter Drive) will be "no impact".
    - i. The project will be well clear of the watercourse.
    - ii. It will be well clear of the flood plain.
    - iii. There will be no change to natural movement and behavior of water or wildlife in the area.
    - iv. On the contrary, the current state of disrepair of the wall, and the disrupted surface of the terrain will be restored to its previous condition.
    - v. The current soil erosion taking place due to the wall failure will be stopped.
    - vi. Soil running downhill to the watercourse will stop
  - b. The purpose for the Regulated Activity (i.e. repair/reconstruction of wall at 153 Hunter Drive)
    - i. To preserve current grade and contour, cease erosion, and improve appearance of the area
  - c. The relationship between the short-term and long-term impacts of the proposed Regulated Activity (i.e. repair/reconstruction of wall at 153 Hunter Drive) on Wetlands or Watercourses and the maintenance and enhancement of long-term productivity of Wetlands or Watercourses.
    - i. Short-term we will mitigate the impact to the maximum extent possible.
      1. There will be men and equipment.
      2. There will be a silt fence protecting the watercourse.
      3. There will be marker pins and flags denoting distance from watercourse, and flood plain.
    - ii. Long-term there will be no negative impact.
      1. The soil erosion will stop, the tendency of loose soil to run to the back of the property and silt the watercourse will be abated.
      2. There will be renewed and refreshed greenery
      3. There will be little or no need for new soil
        - a. Elevations/grades/contours should be largely undisturbed
  - d. Irreversible and irretrievable loss of Wetland or Watercourse resources which would be caused by Regulated Activity (i.e. repair/reconstruction of wall at 153 Hunter Drive), including the extent to which such activity would foreclose a future ability to protect, enhance, or restore such resources.
    - i. None. Nothing that will be done will affect the natural function of the surrounding wetland areas and their occupants.
    - ii. Everything that will be done can be reversed.



In answer to the questions referred to in Section 10.2 a b c d & g

1. Nothing irreversible or irretrievable.
- e. The character and degree of injury to, or interference with, safety, health, or the reasonable use of property which is caused by or threatened by the proposed Regulated Activity (i.e. repair/reconstruction of wall at 153 Hunter Drive):
  - i. None. The activity will preserve the current natural behavior of the property, but protect it from the current decay it is suffering.
  - ii. The reasonable use of property in the vicinity will be enhanced.
    1. The neighbors currently have an eyesore to look at, and I will significantly improve that situation.
    2. I will also improve and protect a pleasant, safe pathway on the town right-of-way that runs between Westborough Dr and the wall
- f. Impacts of the proposed Regulated Activity (i.e. repair/reconstruction of wall at 153 Hunter Drive), on Wetlands or Watercourses outside the area for which the activity is proposed and the future activities associated with or reasonably related to, the proposed Regulated Activity which are made inevitable by the Regulated Activity (i.e. repair/reconstruction of wall at 153 Hunter Drive) and which may have an impact on Wetlands or Watercourses:
  - i. This will not affect anything outside the area of the project other than to benefit the area by mitigating soil erosion that is currently taking place due to the failing wall.
- g. Impacts which the proposed Regulated Activity (i.e. repair/reconstruction of wall at 153 Hunter Drive) may have on Wetlands or Watercourses when considered in conjunction with the development activities on the site which the applicant anticipates will occur within 5yr.
  - i. At some point we contemplate the installation of a swimming pool somewhere at 153 Hunter Dr.
    1. We don't know for sure we will do it at all
    2. We don't know when
    3. We don't know if above/below ground
    4. We don't know where on the property
  - ii. We know that if we decide to go forward with this, we have to coordinate with all the appropriate stakeholders, including but not limited to:
    1. Planning & Zoning
      - a. Whomever else they refer us to
    2. IWWA
    3. Building Inspectors
      - a. Whomever else they refer us to
    4. Engineering
      - a. Whomever else they refer us to

## SECTION 10

### CONSIDERATIONS FOR DECISION

10.1 The Agency may consider the following in making its decision on an application:

- a. The application and its supporting documentation;
- b. Public comments, evidence and testimony from a public hearing held with respect to the application in question;
- c. Reports from other Agencies and commissions including, but not limited to, the various boards, commissions, departments and divisions of the Town of West Hartford.
- d. The Agency may also consider comments on any application from the Hartford County Soil and Water Conservation District, the Capitol Region Council of Governments or other regional organizations (i.e. Council of Elected Officials); agencies in adjacent municipalities which may be effected by the proposed activity, or other technical agencies or organizations which may undertake additional studies or investigations;
- e. Non-receipt of comments from agencies and commissions listed in 10.1.c and d. above within the prescribed time shall neither delay nor prejudice the decision of the Agency.

10.2 In carrying out the purposes and policies of Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, including matters relating to regulating, licensing and enforcing of the provisions thereof, the Agency shall take into consideration all relevant facts and circumstances, including but not limited to:

- a. The environmental impact of the proposed Regulated Activity on Wetlands or Watercourses;
- b. The applicant's purpose for, and any Feasible and Prudent alternatives to, the proposed Regulated Activity which alternatives would cause less or no environmental impact to Wetlands or Watercourses;
- c. The relationship between the short-term and long-term impacts of the proposed Regulated Activity on Wetlands or Watercourses and the maintenance and enhancement of long-term productivity of such Wetlands or Watercourses;
- d. Irreversible and irretrievable loss of Wetland or Watercourse resources which would be caused by the proposed Regulated Activity, including the extent to which such activity would foreclose a future ability to protect, enhance or restore such resources, and any mitigation measures which may be considered as a condition of issuing a Permit for such activity including, but not limited to, measures to (1) prevent or minimize Pollution or other environmental damage, (2) maintain or enhance existing environmental quality, or (3) in the following order of priority: restore, enhance and create productive Wetland or Watercourse resources;



- 13.
- e. The character and degree of injury to, or interference with, safety, health or the reasonable use of property which is caused or threatened by the proposed Regulated Activity; and
  - f. Impacts of the proposed Regulated Activity on Wetlands or Watercourses outside the area for which the activity is proposed and future activities associated with or reasonably related to, the proposed Regulated Activity which are made inevitable by the proposed Regulated Activity and which may have an impact on Wetlands or Watercourses.
  - g. Impacts which the proposed Regulated Activity may have on Wetlands or Watercourses when considered in conjunction with development activities on the site which the applicant anticipates will occur within five (5) years following submission of the application.
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- 10.3 The Agency may establish a "no work" perimeter setback around the Inland Wetland or Watercourse boundary and the proposed Regulated Activity using the "Site Specific Method" which recognizes that each site is unique. In determining the number of feet of the setback, the Agency will consider the site, topography, soil type and quality, ground water level and quality, location of watercourses and Ponds (if any), function of the wetland and its location as part of a larger system or isolated one, vegetation types and amounts, scope of activity proposed and its potential to impact the Wetlands or Watercourse and any other such information as required to make a determination of the appropriate setback distance.
- 10.4 In the case of any application which received a public hearing pursuant to a finding by the Agency that the proposed activity may have a Significant Impact on Wetlands and Watercourses, a Permit shall not be issued unless the Agency finds on the basis of the record that a Feasible and Prudent alternative does not exist. In making this finding, the Agency shall consider the facts and circumstances set forth in Section 10 of these Regulations. This finding and the reasons therefore shall be stated on the record in the decision of the Agency.
- 10.5 In the case of an application which is denied on the basis of a finding that there may be Feasible and Prudent alternatives to the proposed Regulated Activity which have less adverse impact on Wetlands or Watercourses, the Agency shall propose on the record in writing the types of alternatives which the applicant may investigate, provided this subsection shall not be construed to shift the burden from the applicant to prove that he is entitled to the Permit or to present alternatives to the proposed Regulated Activity.
- 10.6 In reaching its decision on any application after a public hearing, the Agency shall base its decision on the record of that hearing. Documentary evidence of other material not in the hearing record shall not be considered by the Agency in its decision. A conclusion that a Feasible and Prudent alternative does not exist does not create a presumption that a Permit should be issued. The applicant has the burden of demonstrating that his application is consistent with the purposes and policies of these Regulations and Sections 22a-36 to 22a-45, inclusive of the Connecticut General Statutes.



- 10.7 For purposes of this section, (1) "Wetlands and Watercourses" includes aquatic, plant or animal life and habitats in Wetlands or Watercourses, and (2) "habitats" means areas or environments in which an organism or biological population normally lives or occurs.
- 10.8 The Agency shall not deny or condition an application for a Regulated Activity in an area outside Wetlands or Watercourses on the basis of an impact or effect on aquatic, plant, or animal life unless such activity will likely impact or affect the physical characteristics of such Wetlands or Watercourses.
- 10.9 In the case of an application where the applicant has provided written notice pursuant to subsection 7.12(c) of these regulations, the holder of the restriction may provide proof to the Agency that granting the permit application will violate the terms of the restriction. Upon a finding that the requested land use violates the terms of such restriction, the Agency shall not grant the Permit sought.
- 10.10 In the case of an application where the applicant fails to comply with the provisions of subsections 7.12(c) or (d) of these regulations: (1) a party, other than a state agency, that holds the conservation or preservation restriction may file an appeal with the Agency not later than fifteen (15) days after receipt of actual notice of Permit approval, subject to the rules and regulations of the Agency relating to appeals, or (2) the state agency that holds such restriction may file an appeal with the Agency not later than thirty days (30) after receipt of actual notice of Permit approval, subject to the rules and regulations of the Agency relating to appeals. The Agency shall reverse its prior approval of the Permit at issue upon finding that the requested land use violates the terms of such restriction or if the commissioner of the state agency that holds such restriction certifies that the land use authorized in such Permit violates the terms of such conservation or preservation restriction.
- 10.11 Nothing in subsections 7.12(c) or (d) of these regulations shall be construed to prohibit the filing of a Permit application or to require such written notice when the activity that is the subject of such Permit application will occur over a portion of the property that is not restricted under the terms of such conservation or preservation restriction.

**Town of West Hartford  
Conservation and Environment Commission (CEC)  
Meeting Minutes  
July 25, 2016, 7:00 PM  
Town Hall, Room 314**

**Present:** Commissioners: Brian McCarthy (Chair), Chen Lu, Dennis Durao, Stefanie Wnuck, Beth Lander Morris, and Ryan Langan

1. The June 2016 CEC Meeting Minutes were approved.
2. Communications and News: No news to report.
3. Old Business: None
4. New Business:

**153 Hunter Drive- Application (IWW #1048) of Norman Abare, R.O., seeking approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities, which may have an adverse impact on a wetland and watercourse area. The applicant proposes re-grading of portions of the side and rear yard and to construct an approximately two (2) foot high retaining wall, arborvitae plantings, and fencing. The proposed is within the 150 ft. regulated area. (Submitted for IWWA receipt on August 1, 2016. Presented for determination of significance.)**

The Applicant proposes to replace an old stone retaining wall that is being destroyed by chipmunks with a new retaining wall, and a combination of fencing and planted arborvitae around the perimeter of the property. The new trees and fencing will be set at the grade level consistent with the top of the new wall. The new wall will be relocated closer to Westborough Drive (South) and extended back towards the house in accordance with town setback limits. Similar fencing is planned for the West side of the property parallel to the Watercourse, but will not cross the Watercourse. The Applicant and the Chair noted that the removal of trees was reviewed by this Commission after a tree had fallen on the house.

The Applicant stated that the plan is to increase the number of planted trees by three times the number of trees removed. Silt fencing is currently in place along the South and West sides of the property to protect the Watercourse. The Chair stated that the silt fence should remain in place and as is throughout the construction and revegetation of the yard. Applicant stated that the yard behind the house leading toward the Watercourse has very little grading and the plan is to keep it flat. Work will take 2-3 weeks. Materials for the new retaining wall will include a cinderblock base and core with stone veneered facing and bluestone tops. The existing stone will be removed off-site. Base and yard leveling soils will consist of 48 cubic yards of sand and gravel. The metal fence posts will be

driven into the ground with minimal disturbance. Stockpiles of materials will be located inside the silt fence in a raised portion of the property to mitigate run-off. The CEC stated that the existing silt fence appears to address the CEC concerns regarding the protection of the Watercourse from runoff and siltation during the construction.

**1344 New Britain Avenue (aka 8 and 10 Berkshire Road) - Application (IWW #1046) of NB Asset Management, LLC, Brandon Handfield, P.E., (Eleanore M. Leary Estate, c/o John Leary III, R.O.) seeking approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities which may have an adverse impact on a wetland and watercourse area. The applicant seeks to construct two (2) single-family homes as part of a proposed subdivision. The two lots are located across the street (New Britain Avenue) from Wolcott Park, which is identified as wetland soils per the Town map. One of the driveways and part of the site development for both homes falls within the 150 ft. upland review area. (Submitted for IWWA receipt on July 6, 2016. Determined to be potentially significant and set for public hearing on August 1, 2016.)**

The Applicant was represented by Brandon Handfield, PE of Yantic River Consultants.

The proposed subdivision calls for five new homes to be built along north side of New Britain Avenue and the east side of Berkshire Road. The lot on the corner of New Britain Avenue and Berkshire Road and the lot directly to the East on New Britain Avenue are part of this application; The three other lots are not part of this application. There are no wetlands on the site and New Britain Avenue crosses the area between the site and nearby mapped wetlands. The 150 foot Wetland Review Area crosses into the proposed front yards and driveways of the two lots. According to the applicant, the Inland Wetlands are primarily classified as "Disturbed" (where Wolcott Park soccer fields, playgrounds, etc., have been located) and as "Manchester soils" In addition, the Applicant states that most of the Inland Wetland soils are very dry now, based on their areal shots of the area.

The CEC asked for a description of the construction plans, which are summarized as follows: One driveway is planned for the two lots to avoid having to do any work in the regulated area. If that is not approved, work in the east lot will be required. A 28-inch maple tree in the east lot will be kept. Silt fencing will ring the entire development area and each lot individually, creating a double-layered protection system. There will be a catch basin and underground drainage to 25- and 100-year flood levels. A 15-inch grade is planned, directing all water to infiltrators and then to the storm sewer. The sandy gravel with minimal clay should allow infiltration on the site, as mentioned by Mr. Handfield. Soil stockpile areas for excavation materials will be within the silt fence areas and will be re-used for grading and back filling. Most materials will stay on site.

Basement depths of the homes will be eight feet. Sewer connections on New Britain Avenue will tie into existing sewer lines. Underground electricity from the street pole, in accordance with Town preferences, will not require open excavation. Construction would start in late summer on the first house.

The CEC did not identify any environmental concerns with the project in regards to wetlands or other sensitive receptors.

5. Motion for Meeting Adjournment approved at 8:00pm.



PHOTO #9.1 and 10.1







PHOTO #14





CURRENTLY DISTURBED. Silt fence OUT OF VIEW.







EXISTING WALL. COLLAPSING.



